IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 8326 of 2004

Between:
Chinthaparthi Nagaraju, S/o Venkat Raju,
r/o Pedavirivada Village, Nandivada Mandal, Krishna District.
..... PETITIONER

AND

1 Mandal Revenue Officer, Nandivada, Krishna District, Andhra Pradesh.
2 Revenue Divisional Officer, Gudivada, Krishna District, A.P.
3 Secretary, Pedavirivada Village Secretariat, Nandivada Mandal, Krishna District.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue any appropriate Writ, Order or direction especially a writ in the nature of Writ of Mandamus, directing the respondents to re-deliver Pattadar Pass book in respect of the petitioner's lands ad measuring Ac. 2.06 cents in R.S.No. 217/1, Ac. 0.49 cents in R.S.No. 183/1 and Ac. 0.45 in R.S.No. 217/2 situate in Pedavirivada village, Nandivada Mandal, Krishna District, agreegating to a total extent of Ac. 3.00 cents (wet land) of land immediately in its original form without making any amendments or alterations, after calling for necessary records relating to the matter

For the Petitioner:MR.V.PARABRAHMA SASTRI

For the Respondent : GP FOR REVENUE FOR R1 TO 3

The Court Made the Following :

ORDER:

This writ petition is filed praying for a direction to the respondents to re-deliver Pattadar Pass Book to the petitioner in respect of the land admeasuring Ac.2-06 cents in R.S.No.217/1, Ac.0-49 cents in R.S.No.183/1 and Ac.0-45 cents in R.S.No.217/2 situate in Pedavirivada Village, Nandivada Mandal, Krishna District aggregating to Ac. 3-00, in its original from without making any amendments or alterations.

According to the petitioner, he inherited the above mentioned land from his father, and in respect thereof, a pattadar pass book bearing No. 240381 was also issued to him during the year 1994-95 recognizing him as the owner, and since then he is also paying the land revenue. While so, the petitioner claims to have sold another land in an extent of Ac.5-00 owned by him to one Sri Thota Ranga Rao, and at his request, he handed over the pattadar passbook relating to the land in question, to enable his vendee to obtain pattadar passbook for the land purchased from him. The petitioner states that his vendee in turn had submitted the said pattadar pass book to the 1st respondent – Mandal Revenue Officer. The grievance of the petitioner is that the said pass book is not re-delivered to him so far in spite of his repeated requests. Therefore, he filed a petition P.L.C.27 of 2003 before the Senior Civil

Judge and Chairman, Mandal Legal Services Authority, Gudivada praying for an order to re-deliver the pass book, which has been disposed of with an observation that petition was premature and the petitioner had to move the regular Civil Court. It is further stated in the affidavit that though he

appeared before the 1st respondent on 1-9-2003 pursuant to a notice, no enquiry has been conducted in this regard and he was not examined. It is stated that neither he nor his father had ever transferred the land in question in any manner in favour of any person, much less in favour of Sri Rama Higher Elementary School, which appears to be claiming rights over the said property. The petitioner, contending that the 1st respondent retained the pattardar passbook in respect of the land in an extent of Ac.3-00 without assigning any reasons and without conducting any enquiry, seeks a direction to the respondents to re-deliver the same to him without any alterations.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Both the counsel requested to dispose of the writ petition at the stage of admission itself.

Learned counsel for the petitioner submits that the action of the respondents in detaining the pattadar pass book of the petitioner in respect of the above said land, without assigning any reasons, without conducting any enquiry and without issuing any order is illegal and arbitrary and seeks a direction to the respondents to redeliver the same to the petitioner.

During the course of hearing it is submitted by the learned Government Pleader that the 1st respondent herein has filed a counter affidavit in P.L.C.No.27 of 2003 stating that the father of the petitioner gifted the land in question in favour of Sri Rama Higher Elementary School, which is under the management of a Committee, for development of education, thereafter the said school was closed down and a Government school has been established in the village. Some of the villagers of Pedavirivada village made a representation to the District Collector and to the 1st respondent requesting to take possession of the above land from the hands of the heirs of the donor and utilize the same

for the benefit of the village with the aid of government funds. It is further stated by the M.R.O. in the said counter that he is going to conduct an enquiry in the matter and if the enquiry reveals that the petitioner is eligible for pattadar pass book and title deed, they will be issued to the petitioner immediately after completion of the enquiry.

In view of the above statement, the 1st respondent is directed to expedite the enquiry after issuing notice and providing opportunity of hearing to the petitioner and take appropriate action on the basis of the outcome of the enquiry.

With the above direction the writ petition is disposed of.

ASSISTANT
REGISTRAR

//True copy//

SECTION OFFICER

14-6-2004/asp

To
1 Mandal Revenue Officer, Nandivada, Krishna District, Andhra Pradesh.
2 Revenue Divisional Officer, Gudivada, Krishna District, A.P.
3 Secretary, Pedavirivada Village Secretariat, Nandivada Mandal, Krishna District.
4. 2 CCs. To G.P. for Revenue, High Court buildings (O.U.T.)
5. 2 CDs.
6. One spare copy